

GARDNERVILLE TOWN BOARD

Minutes

July 5, 2005

- **The meeting was called to order by Chairman Cook. The Pledge of Allegiance was led by Randy Slater.**

PRESENT:

Thomas J. Cook, Chairman
Randall P. Slater
Jerry L. Smith
Paul A. Lindsay

Michael S. Rowe, Town Counsel
Jennifer Roman, JWA Consulting Engineers
Jim Park, Town Manager
Jeff Summers, Maintenance Foreman
Carol Louthan, Administrative Assistant

ABSENT:

Mike Philips, Vice Chairman

GUESTS: A list of those present is included in the file of the July 5, 2005 meeting.

- Approval of the Agenda

Mr. Park asked item 15 be continued until August.

Motion Slater/Lindsay to approve the agenda with the change noted. Motion carried with Board Member Philips absent.

- Approval of Previous Minutes
 - June 7, 2005 Regular Board Meeting

Motion Smith/Slater to approve the minutes of June 7, 2005. Motion carried with Board Member Philips absent.

- Discuss Good News in Gardnerville

Mr. Park informed members Elfun, with Paul Lindsay as their team leader, put the fence up at Heritage Park and the Rotary Club had their flagpole dedication. Well-deserved and well-needed improvements.

- Public Comment on Any Item Not on Tonight's Agenda-No Board Action

No public comment.

CONSENT CALENDAR

Consent items may be pulled at the request of Board Members wishing to have an item or items further discussed. When items are pulled for discussion, they will be automatically placed at beginning of the Administrative Agenda. All items shall include discussion and possible action.

- **Motion to approve consent calendar.**

TOWN DEPARTMENTS

1. Accept Health and Sanitation Monthly Report
Accepted
2. Accept Public Works Monthly Report
Accepted
3. Accept Parks Department Monthly Report
Accepted
4. Approve updated activities for "Old Town" Days (2nd Annual Civil War Weekend, September 30-October 2, 2005).
Approved
5. Approve a street closure request in arrears for Granborough between Petar and Marion Russell for a July 3, 2005 neighborhood block party between the hours of noon and 10:00 pm, resident Lance Caras, 1320 Granborough, applicant.
Approved

CORRESPONDENCE

6. Correspondence

Read and noted

TOWN MANAGER

7. Approve Claims for June 2005
Approved
8. Approve budget transfers
Approved
9. Approve Change Order 1 to the professional services agreement with Race Studio to allow an additional July public workshop
Approved
10. Approve purchase of fleet vehicle from State of Nevada pricing agreements and authorize staff to procure service body, welder, and other equipment for vehicle.
Approved
11. Approve Manager's leave 8 August through 12 August for Boy Scout event.
Approved

Motion Lindsay/Smith to approve the consent calendar. Motion carried with Board Member Philips absent.

Mr. Slater asked if everyone on the mailing list received a copy of this agenda?

Mr. Park stated if residents are on the mailing list they receive a written copy.

ADMINISTRATIVE AGENDA

IF ANY ITEMS WERE PULLED FROM THE CONSENT CALENDAR, THOSE ITEMS WILL BE HEARD AT THIS POINT

RESOLUTIONS, APPOINTMENTS

12. Discussion and possible action on Resolution 2005-04, a resolution consenting to and approving the conditions of the medium-term note detail ordinance to be adopted by the Douglas County Board of County Commissioners (Main Street Lighting Phase II)

Mr. Park gave a brief history of the project. They are partnering with NDOT for Phase II. The Town will receive a \$500,000 local match. They are the only rural non-incorporated community in the state of Nevada to have been able to tap into the new pool of money. This issue has been discussed at meetings and annual planning and only received one negative comment. This is on the Commissioner's agenda Thursday. They have received approval from the Department of Taxation. Staff is recommending \$900,000 of bond money because they are set to receive the \$500,000 from NDOT. Johnson Consulting is available by phone if needed. They have received seven proposals. Three of the bidders returned two different options. Staff is recommending the \$900,000, option 2 under Bank of the West at a fixed rate of 4.35 percent after much discussion with town counsel, bond counsel and the financial consultants. He has included the amortization schedules for both 900,000 and \$700,000 over the 10-year life of the note. There is adequate money budgeted. There are no prepayment penalties. The Board reserves the right to use the extra money for debt service for other projects or to put it toward the principal and interest of the note. There is no negative impact. They are looking at an initial draw of \$45,000 at the end of July and draws as needed. Between now and the fall staff will be working closely with NDOT on the interagency agreement to bring forth that \$500,000. Staff's intention is to go into final design as soon as the agreement is signed and construction after the weather is better in spring of 2006.

Mr. Cook asked if there were any questions?

Mr. Slater asked if the NDOT money were something when budgets come in NDOT would say they didn't get funding.

Mr. Park's response was this is a brand new pool of \$2 million annually that is available by competition across the state and is totally for landscape and aesthetic improvements on major corridors. We are the only community along the 395 corridor in the state to receive some of this new funding.

No public comment.

Motion Smith/Slater to approve Resolution 2005-04, a resolution consenting to and approving the conditions of the medium term note detail ordinance to be adopted by the Douglas County Board of Commissioners with option #2 in Bank of the West being noted.

Mr. Park went over the requests of Bank of the West. They are asking for a copy of the final audit within 180 days of the close of the fiscal year. They want to see the annual budgets within 150 days of fiscal year end and to accept this offer on or before July 10.

Upon call for the vote, motion carried with Board Member Philips absent.

13. Discussion and possible action on possible changes to Douglas County Title 20, Section 20.696, Sign and Advertising control

Mr. Park pointed out the Chamber and Douglas County have been working with the business owners to look at possible options and changes. Skip Sayre (Chamber of Commerce) and Mimi Moss (Douglas County Community Development) are here to address the issue.

Ms. Moss talked about the enforcement of illegal signs, the existing sign ordinance and the changes proposed.

Mr. Slater asked what the definition is for “in front of a business”?

Ms. Moss believed they need to clarify this in the code, but “in front of a business” means the front of the building where the entrance is. The only businesses this would really benefit are the businesses that front 395.

Mr. Slater brought up the lack of enforcement of the existing ordinance. He does not have confidence in the County enforcing their ordinances. This is just adding another layer of bureaucracy to the problem they have. They have to enforce what they have before they add more. The Town is trying to improve the sidewalks. Two feet of the sidewalk has already been taken up by a sign. They have to have someone who will be out there to start enforcing things. This ordinance doesn't help the people on the side streets.

Ms. Moss tried to assure Board members the sign ordinance enforcement is her responsibility and the enforcement was stepped up in January and will continue as long she is responsible for that portion of the sign ordinance.

Chairman Cook mentioned Mr. Falcke, owner of AM PM has pulled the T-posts out in front of his place. Scolari's needs to get a letter and pull out the T-posts.

Mr. Slater believed there has to be some method of seizing the sign. The ten-day rule cannot be applied to a temporary sign. The code enforcement officer has to have the capability of issuing a citation.

Ms. Moss pointed out the enforcement officer does not have the ability to issue a citation currently. She reviewed the draft language in the ordinance and the ideas that came out of the Chamber workshop.

Mr. Skip Sayre, Carson Valley Chamber of Commerce and Visitors Authority explained their approach has been focused on specific things they would be able to do to help their membership. He felt the ordinance would reduce clutter. They are supporting the changes and appreciate the opportunity to get feedback from the towns.

Chairman Cook called for public comment.

Linda Finch, owner of the Eddy Street Book Exchange, opened her business in March. At that time the sign ordinance was not being enforced. Her sign resides on the landlady's property at Old Town Antiques. 95 percent of her new customers come from that sign. Even now it is still 95 percent of her new customers. She has done other advertising that brought customers for a very short time, but the only constant is the sign. She had the sign up for a month and got the letter from the County. The first month she was in business with the sign she paid her bills. The second month she couldn't. The third month with the sign back she could. Part of her problem is she will lose the sign under the ordinance because it is off site. She is hoping that will get worked out, but the sign is critical to the success of her business.

Mr. Slater stated if the Chamber of Commerce initiated this, if they would come in and say you've worked hard to build the town up, what do you think about this and bring in examples. He does not believe the Chamber is helping. Their job is to represent the businesses, but in the long run they are losing the business until they start working with the Town. They don't care about the look of the town as long as the businesses are happy. The County will approve it. The Town has really no say in what the town looks like. The County will do it because they have put all their money in north county and they have to keep the small businesses in Minden and Gardnerville happy, so let's pat them on the head and say okay. In the long run the businesses will lose. People need to see something that looks nice before they come to an area. Putting sandwich signs in the middle of a sidewalk is not helping. A lot of people won't walk through a sea of signs.

Ms. Lynch got an A-frame sign when she first opened the business and then received a letter from the County she was in violation of the sign ordinance. She believed this discussion would not be happening without the Chamber gathering the businesses altogether to talk about it. Drive the length of Hwy 395 and they will find a lot of signs that don't look as good as this (an A-frame sign she brought from her store). This ordinance will give uniformity to what is out there.

Mr. Slater feels that is why selective enforcement is not fair to the violator. If the County would enforce the sign ordinance as it is, it would be of benefit to everyone. They cannot use a band-aid of putting different signs up because we aren't enforcing the sign ordinance we have. They don't need more layers of problems; they need to do something with what they have. They need to work together as a community. The Town Board wants businesses to succeed. Jim has mentioned many times he is upset about things going to north county. We need to worry about the existing businesses. They want to work with the businesses, but they also want to make this a palatable area. The Town is not against the business or the business against the town, but it sounds like there is a division.

Ms. Lynch is here to try to work with the Town. But it is critical for her business to have the sign on 395. She needs the visual identification on 395 to the people who are driving on Hwy 395.

Mr. Park pointed out the Chamber did write a letter for the Town to NDOT in support of the 395 \$500,000 project.

Mr. Sayre does not agree with the statement made that the Chamber doesn't care what the town looks like. One of the things they have said is that these signs need to have a certain size, certain style, color, etc. Looking good is an important part of how they generate business. In terms of involving the towns, Mr. Park attended the workshops. In the future if they need to come here proactively they are more than happy to do that.

Mr. Slater is coming down on the Chamber more for Mimi's benefit because he really feels the County has let everybody down. The major problem has been the lack of enforcement or selective enforcement. The whole problem is the sign ordinance needs redoing. His suggestion is to redo the sign ordinance. Every time something has come up about the sign ordinance it is always they will get to it. Eventually they will have to address it. They are getting by now with selective enforcement, but set a date that they will have a whole new sign ordinance to discuss.

(Further discussion on the sign ordinance issue is contained on the tapes)

Ms. Moss explained enforcement is a different area of the sign ordinance. As part of the Town's community planning, they should look at areas where they want certain signs for businesses on the block.

Mr. Slater would like to direct the Town Manager to attend the commissioner's meeting and convey to the County their feeling about enforcement of the existing ordinance. There is not a need at this time for a band-aid. There is a need for a whole new ordinance addressing the problems. They need to set a date and immediately proceed in rewriting the entire ordinance and continue their selective enforcement policy.

Mr. Park has a good feel for the temperature of the Board. The concerns he hears from the Board are: enforcement, equitability of businesses off the main street, have community planning address these issues including sign design, and community directional walkability signs.

14. Discussion and possible action on an update to the process for the 10-year update of the Douglas County Master Plan within the Gardnerville Planning Area, Mimi Moss, Acting Community Development Department Director

Ms. Moss informed Board members the purpose of the update is to take a look at the community and take a look at whether or not any of the policies need to be adjusted based on what has changed over the last 10 years. Take a look at the goals and policies and look at whether or not you want to make any adjustments. She is going to all the communities, towns getting input. They have scheduled a neighborhood workshop at the old gym September 7. All the property owners are sent a notice. They want to make sure everything is covered. They will be carrying the workshop through the end of the year. After that it will be brought to the Planning Commission, and finally a master plan amendment for the 10- year update to propose any changes. The intent is not to look at mass changes to the land use, transportation or public facilities. It is essentially gathering input.

Board members agreed it should be kept on each month's agenda.

15. Discussion and possible action on DA 05-060, a request for a Master Plan Amendment to change the land use designation from SFE (Single-Family Estates) to C (Commercial), and a Zoning Map Amendment to change the zoning district from SFR-1 (Single-Family Residential, 1-acre minimum parcel size) to OC (Office Commercial) zoning district within the Gardnerville Planning area, 1355 Centerville Lane, APN #1220-04-101-004, Michael & Laura Palmer, owner; Western Engineering & Surveying Services, applicant

(Taken off agenda)

(Recess taken from 7:00- 7:10 p.m.)

TOWN ENGINEER

16. Discussion and possible action to approve final payment, accept improvements, and authorize staff to publish notice of completion for Bid No. 2005-01 (Main Street Phase I and Toiyabe Phase II) sidewalk contract, continued from the June Board meeting

Mrs. Roman reported there was a walkthrough held on June 21. The contractor submitted a final progress payment on June 24. The total project amount has come to \$234,510. That includes an additional change order that also needs approval. It is less than 10 percent of the entire project. Those were caused by changes in quantities additional improvements requested by the Town and unforeseen conditions when opening the sidewalk. The contractor has until July 8 to finish. They are retaining \$11,725.50. Retention will not be released until the contractor finishes the punchlist items and submits the final project closeout documents.

Mr. Rowe asked if the final payment amount included the change order amount?

Mrs. Roman replied yes.

Mr. Rowe felt the notice was sufficient.

Motion Lindsay/Smith to approve and authorize final payment inclusive of change order 1-4, accept improvements, acknowledge substantial completion and authorize staff to make final payment and publish notice of completion upon completion of punchlist items. Payment is in the amount of \$234,510.

No public comment.

Motion carried with Board Member Philips absent.

17. Discussion and possible action on rejection of or award of Bid 2005-03, 2005 Paving Projects

Mrs. Roman advised there was a bid opening on June 28. The bid summary is included. The engineer's estimate was \$370,000. Average bid was \$528,000 plus or minus. Low bidder was Carlson Construction with a bid of \$512,225.70. High costs were primarily due to the record AC and oil prices. They are recommending rejection and will rebid the project either later this year or next spring when contractors are not as busy and the plant is not as tied up. They may bid patching separately so they are opening up the pavement during the driest part of the year and not dealing with that in the spring.

Mr. Park concurred that staff is recommending the bids be rejected.

Motion Smith/Slater to reject the two bids received and direct staff to rebid the project with construction in the spring of 2006 which will allow for possible lower pricing at that time.

No public comment.

Motion carried with Board Member Philips absent.

18. Discussion and possible action on approval of the 5-year Capital Improvements Program (CIP) update

Mr. Park reviewed with the Board this is a document required by statute to prepare and update on an annual basis. It is also a document they transmit to the State Department of Taxation, Douglas County Comptroller, all the local utilities, and anyone else who would like a copy. It is a snapshot over the next five years of work staff will be recommending go to the Board. It does not lock these items in. 07-08 you will see the overlays start to turn towards Chichester. They are on the cusp of getting the road backlog under control. They are showing the main street lighting in year 1. They anticipate there will be funding for each of the subsequent years. They had added in the fleet equipment.

Motion Lindsay/Slater to approve the 5-year capital improvements program and authorize staff to ship the documents as required.

No public comment.

Motion carried with Board Member Philips absent.

19. Accept Town Engineer's monthly report of activities

Mrs. Roman stated most of the work has been with respect to the sidewalks and also to the 2005 paving project.

There were no comments.

Chairman Cook asked about the storm water planning.

Mrs. Roman advised they are moving along.

TOWN MAINTENANCE FOREMAN

20. Accept Town Maintenance Foreman's monthly report of activities

Mr. Summers wanted to thank his staff for working so hard when they were shorthanded. One new person started today. He felt the new employee would be very good. He came from Mammoth and worked on a paving crew. He will be a big help with the crack sealing and the parks. They have two more that Human Resources is doing a background check on. Stodick Estates South is going to seed the detention pond with grass, which is good news.

TOWN ATTORNEY

21. Accept Town Attorney Monthly Report of Activities

Mr. Rowe reported the Attorney General's office has submitted a summary memo of the open meeting law changes. They are all effective on October 1. Almost all of the bills he mentioned at the last meeting passed. Public officers are now under SB267 absolutely privileged and immune from liability for any statement made in a public meeting. He will be happy to circulate a memo on the changes to the open meeting law. He has had discussions with Mimi on the sign ordinance. He will be in Hershey, Pennsylvania in October so will be unable to attend that meeting.

Chairman Cook brought back a copy of the bills passed from Nevada League of Cities. He gave Mr. Rowe a copy.

TOWN MANAGER

22. Accept Town Manager's monthly report of activities

Mr. Park included his written report and the project status report. If the Board is interested, Page 22/8 broke out AB 49 (property tax abatement) and how it hit the Town. They are leaving \$44,219 on the table due to the abatement. It has been a busy month. There is a new law out that requires all underground storm drain facilities to be marked with a tracer wire. It won't hit unless they are replacing a pipe with concrete. SB52 was a bill that authorizes County Commissions to allow certain persons on staff to enforce ordinances through written citations.

Mr. Slater recommended to Jim that he doesn't put on a public notice when he is going on vacation.

Chairman Cook mentioned the ID's given to all Board members were his idea. On October 12 - 15 is the Nevada League of Cities conference in Las Vegas. Anybody who would like to go, he has an agenda.

Mr. Park indicated there is money budgeted for everyone to attend.

Chairman Cook intends to go and the town manager intends to go. Community workshop on the 21st at Sharkey's. Volunteer BBQ on the 26th of August.

Motion Smith/Lindsay to adjourn at 7:20 p.m. Motion carried with Board Member Philips absent.

Respectfully Submitted,

Thomas J. Cook
Chairman

Jim Park
Clerk to the Board